

ITEM NO.5+56

Court No.5

SECTION PIL

43

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS
WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S.PUTTASWAMY (RETD) & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for stay)

WITH T.P.(C) NO. 47-48 of 2013
(With appln(s) for stay and office report)
(Appln. for deletion of the name of petitioner no. 1)

T.P.(C) NO. 476 of 2013
(With appln(s) for stay and office report)

M.P.(C) No. 829 of 2013
(With appln(s) for interim relief and office report)

Date: 23/05/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAURHAN
HON'BLE MR. JUSTICE B.A. BOBDE

For Petitioner(s)

Mr. Anil B. Divan, Sr. Adv.
Mr. Ankit Goel, Adv.
Mr. Ranvir Singh, Adv.
Mr. Sanjay Yadav, Adv.
Mr. Anish Kumar Gupta, Adv.
Ms. Deepshikha Bharati, Adv.
Mr. S.S. Bhambhary, Adv.
Mr. Rajeev Kr. Singh, Adv.
Mr. Nachiketa Joshi, Adv.

Mr. P.R. Kovilan Poongkuntran, Adv.
Mrs. Geetha Kovilan, Adv.

Mr. Shyam Divan, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Varun Singh, Adv.
Mr. Gaurav Nair, Adv.
M/s. K.J. John & Co.

for

For Respondent(s)

Mr. Mohan Parasaran, SG
Mr. L. Nageshwar Rao, AGG
Mr. Farrukh Rasheed, Adv.
Mr. Alok Mishra, Adv.
Mr. D.S. Mahra, Adv.

TRUE COPY

DR. RAJAN AGARWAL
Joint Secretary/Section Officer
Election Commission of India
Sector 17, Block 1, Connaught Place
New Delhi-110001

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Annexure-R/4

Writ Petition(s) (Civil) No(s). 494/2012

Respondent(s)

Date : 16/03/2015 These matters were called on for hearing today.

भारतीय न्यायिक आयोग
Commission of Enquiry of India
आशोक रोड, नई दिल्ली-110001
Ashoka Road, N. Delhi-110001

Mr. B.K. Prasad, Adv.
Mr. D.S. Mahra, Adv.

Mr. Prasanna S., Adv.

Mr. Gopal Singh, Adv.
Mr. Rituraj Biswas, Adv.
Ms. Rashmi Srivastava, Adv.
Ms. Shubra Rai, Adv.

Mr. Jayant Bhushan, Sr. Adv.
Mr. Kuldeep S. Parihar, Adv.
Mr. H.S. Parihar, Adv.

State of Uttarakhand Mr. Pankaj Bhatia, Adv.
Mr. Dushyant Kumar, Adv.
Mr. Vivek Choudhary, Adv.
Mr. Jatinder Kumar Bhatia, Adv.

Mr. Sumit Atrey, Adv.
Ms. Priyadarshi Banerjee, Adv.
Mr. Ankur Saigal, Adv.
Mr. R.C. Agrawala, Adv.

State of Telangana Mr. S. Udaya Kumar Sagar, Adv.
Mr. Krishna Kumar Singh, Adv.

State of Gujarat Ms. Hemantika Wahi, Adv.
Ms. Jasal Wahi, Adv.
Ms. Puja Singh, Adv.

State of Jharkhand Mr. Tapesh Kumar Singh, Adv.
Mr. Kumar Anurag Singh, Adv.
Mr. Mohd. Waqas, Adv.

Govt. of Puducherry Mr. V.G. Pragasan, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Prabu Ramasubramanian, Adv.

ELI Mr. Mohit Ram, Adv.
Ms. Monisha Handa, Adv.
Mr. Neeraj Kumar, Adv.

State of Assam Mr. Riku Sarma, Adv.
Mr. Navnit Kumar, Adv.
M/s. Corporate Law Group

State of WB Mr. Soumitra G. Chaudhuri, Adv.
Mr. Anip Sachthey, Adv.

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STATE OF ASSAM
GOVT. OF ASSAM
OFFICE OF THE
SECRETARY
DIS. NO. 113001
AS. 113001

Mr. Gopal Sankaranarayanan, Adv.
 Ms. Savita Singh, Adv.
 Mr. Prashant, Adv.

State of TN Mr. B. Balaji, Adv.
 Mr. R. Rakesh Sharma, Adv.
 Ms. R. Shase, Adv.

State of Bihar Mr. Abhinav Mukerji, Adv.

UT Chandigarh Ms. Vinla Sinha, Adv.
 Mr. Gopal Singh, Adv.

Mr. Amit Sharma, Adv.
 Mr. Dipesh Sinha, Adv.

Beghar Foundation Mr. Saikrishna Rajagopal, Adv.
 Mr. Juhan George, Adv.
 Mr. Arjun Ranganathan, Adv.

Mr. Nikhil Nayyar, Adv.

Mr. Kamal Mohan Gupta, Adv.

Ms. C. K. Sucharita, Adv.

Mr. Mishra Saurabh, Adv.

Mr. Garvesh Kabra, Adv.

Mr. T. G. Narayanan Nair, Adv.

Ms. Anitha Shenoy, Adv.

UPON hearing the counsel the Court made the following
 O R D E R

The matters require considerable time for hearing. Therefore, we direct the matters to be listed for hearing in the second week of July, 2015 after obtaining appropriate orders from Hon'ble the Chief Justice of India.

In the meanwhile, it is brought to our notice that in certain quarters, Aadhar identification is being insisted upon by the various authorities, we do not propose to go into the specific instances.

TRUE CERTIFIED COPY.

By *[Signature]*
 JUDGE, COURT OF APPEALS
 CIVIL, DELHI
 11/06/2015
 Asst. Secy. to Court, N. Delhi-110001

ITEM NO.57

COURT NO.4

SECTION IIA

51
Annexure-2/5

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl) No(s).2524/2014

(From the judgement and order dated 26/02/2014 in CRLWP No.10/2014,
of The HIGH COURT OF BOMBAY AT PANAJI)

UNIQUE IDENTIFICATION AUTH. OF INDIA & ANR
VERSUS

Petitioner(s)

CENTRAL BUREAU OF INVESTIGATION

Respondent(s)

(With appln. for exemption from filing c/c of the impugned Judgment
and office report)

Date: 24/03/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr.Mohan Parasaran, SG
Mr.Rakesh Khanna, ASG
Mr. Zohar Hossain, Adv.
Mr. Alok Mishra, Adv.
Mr. D.S. Mahra, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Issue notice.

In addition to normal mode of service, desti
service, is permitted.

- Operation of the impugned order shall remain
stayed.

In the meanwhile, the present petitioner is
restrained from transferring any biometric information
of any person who has been allotted the Aadhaar number
to any other agency without his consent in writing.

..2/-

TRUE COPY

[Signature]

राज्य निर्वाचन आयोग
असम निर्वाचन क्षेत्र
भारत निर्वाचन आयोग
Election Commission of India
असम विभाग, प्लॉट नं. 110001
Ashoka Road, N. Delhi-110001

Note on Aadhaar Feeding

- With an objective of bringing an error free and authenticated electoral roll, the Commission launched a nation-wide comprehensive programme, namely, National Electoral Roll Purification and Authentication Programme (NERPAP) on 03.03.2015.
- The programme was to be completed by 15.08.2015.
- Major objectives of NERPAP
 - ✓ Linking and authentication of EPIC data of electors with Aadhaar data, mobile number and e-mail ID.
 - ✓ Voluntary disclosure of multiple entries in electoral roll.
 - ✓ Corrections of errors in electoral roll or EPIC.
 - ✓ Improvement of image quality.
- During the programme, the electors were being given facility to feed their Aadhaar number, in addition to mobile number and e-mail ID and EPIC number through the following methods:-
 - ✓ National Voters Service Portal (NVSP) using web services through Election Commission website i.e. <http://eci.gov.in>.
 - ✓ SMS to '51969'
 - ✓ By making a call at '1950' to State call centres.
 - ✓ By submitting the details of Aadhaar number, mobile number and e-mail ID and EPIC number in a hard copy.
- Apart from the above, collection and feeding of Aadhaar was also being done by Electoral Registration Officers through door-to-door survey by BLOs.
- Linking of electors' data with Aadhaar was main component of NERPAP but the programme was basically for the purpose of cleansing the electoral roll from all multiple entries, errors, and also for improvement of existing photos of electors.
- Besides, collection / feeding of Aadhaar in addition to mobile number / e-mail ID was being done for the purpose of providing election related services and facilitation of citizens.

TRUE CERTIFIED COPY

Rajendra Singh
राजेंद्र सिंह/RAJENDRA SINGH, JAL
अधीनस्थ अधिकारी/Section Officer
भारतीय निर्वाचन आयोग
Election Commission of India
अधिकारी वी.एस. 45 दिल्ली-110001
Ashoka Road, N. Delhi-110001

TRUE COPY

Rajan Agarwal
राजन अग्रवाल / RAJAN AGARWAL
Section Officer
भारत निर्वाचन आयोग
Election Commission of India
Asnoka Road, N. Delhi-110001

- The Commission, in pursuance of the Supreme Court's interim directions (dated 23.09.2013 on sharing of Aadhaar data, already issued instructions to Chief Electoral Officers of all States clarifying that furnishing of Aadhaar number was not mandatory but was optional. It was also made clear that non furnishing of Aadhaar number would not be a ground for rejection of any application. The applicants were being requested to give this information in their own interest to ensure defect free electoral roll and for incorporation of correct data of electors in the rolls.
- Activities relating to Aadhaar collection and feeding all over the country were going on intensively. The Commission held several rounds of meeting with CEOs to review progress of programme till the time Supreme Court made an interim Order in Writ Petition (Civil) No. 494 of 2012 (Justice K.S. Puttaswamy (Retd) & Another v/s Union of India & Others) on 11.08.2015. By the time, the all India percentage of Aadhaar collection and Aadhaar feeding was 50% (34,61,53,358) and 38% (26,01,24,592) respectively.
- The Supreme Court stated that till the matter is finally decided by a larger Bench Union of India or UIDAI to proceed in the following manner:-
 - ✓ The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card.
 - ✓ The production of an Aadhaar card will not be condition for obtaining any benefits otherwise due to a citizen.
 - ✓ The Unique Identification Number or the Aadhaar card will not be used by the respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of foodgrains, etc. and cooking fuel, such as kerosene. The Aadhaar card may also be used for the purpose of the LPG Distribution Scheme.
 - ✓ The information about an individual obtained by the Unique Identification Authority of India while issuing an Aadhaar card shall not be used for any other purpose, save as above, except as may be directed by a Court for the purpose of criminal investigation.
- The Supreme Court's Order was examined and the file was submitted for the Commission's consideration. As per the Commission's decision, the CEOs have been

More so, no person shall be deprived of any service for want of Aadhaar number in case he/she is otherwise eligible/entitled. All the authorities are directed to modify their forms/circulars/likes so as to not compulsorily require the Aadhaar number in order to meet the requirement of the interim order passed by this Court forthwith.

Tag and list the matter with main matter i.e.

WP(C) No.494/2012.

[Usha Bhardwaj]
A.R.-cum-P.S.

[M.S. Negi]
Assistant Registrar

TRUE CERTIFIED COPY

Rajan Agarwal
राजन अग्रवाल/RAJANAGARWAL
अनुमान अधिकारी/Section Officer
भारत निर्वाचन आयोग
Election Commission of India
अशोक रोड, नई दिल्ली-110001
Ashoka Road, N. Delhi-110001

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All the parties are at liberty to file any further affidavit or documents, if they so wish.

(TAPAN KR. CHAKRABORTY)
COURT MASTER

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राष्ट्रीय प्रयोगशाला, दिल्ली-110001
अनुसंधान और विकास विभाग
भारतीय विज्ञान संस्थान, अमृतसर
Electronics Division, Council of India
अमृतसर रोड, अमृतसर-110001
Asok-a P.O., N. Delhi-110001

State of Nagaland Ms. K. Enatoli Sema, Adv.
Mr. Amit Kumar Singh, Adv.
Mr. Balaji Srinivasan, Adv.

State of HP Mr. J.S. Atttri, Sr. Adv.
Mr. Varinder Kumar Sharma, Adv.
Mr. Sumant Prakash, Adv.

State of Maharashtra Ms. Asha Gopalan Nair, Adv.
Mr. A.P. Mayee, Adv.
Mr. A. Selvin Raja, Adv.

A&N Administration Mr. K.V. Jagdishvaran, Adv.
Ms. G. Indira, Adv.

State of Sikkim Ms. Aruna Mathur, Adv.
Mr. Yusuf Khan, Adv.
Mr. K. Vijay Kumar, Adv.
M/s Arputham Aruna & Co., Adv.

State of Goa Mr. Ninad Laud, Adv.
Mr. Karan Mathur, Adv.
Mr. Jayant Mohan, Adv.

State of Manipur Mr. Sapam Biswajit Meitei, Adv.
Mr. Z.H. Issac Haiding, Adv.
Mr. Ashok Kumar Singh, Adv.

State of Rajasthan Mr. Shiv Mangal Sharma, Adv.
Mr. Shrey Kapoor, Adv.
Ms. Ruchi Kohli, Adv.

State of HP Mr. Suryanarayana Singh, AAG
Ms. Pragati Narkhara, Adv.

State of Punjab Mr. Sanchar Anand, Adv.
Mr. Apoorv Singhal, Adv.

State of Kerala Mr. Jogy Scaria, Adv.
Mr. R.S. Bed, Adv.

State of Mizoram Mr. K.N. Madhusoodhanam, Adv.
Mr. T.G.N. Nair, Adv.

NCT of Delhi Mr. J.M. Kalia, Adv.

State of Haryana Mr. B.K. Satija, AAG

IA Sof. 2014 in Mr. Sumit Atttri, Adv.

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STATE OF DELHI
SECRETARY
OFFICE OF THE
ATTORNEY GENERAL
DELHI

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s)

Mr. Gopal Subramaniam, Sr. Adv.
Ms. Aishwarya Bhati, Adv.
Mr. Talha Abdul Rahman, Adv.
Ms. Neha Meena, Adv.
Ms. Anusha Ramesh, Adv.
Ms. Sadhana Saxena, Adv.

Mr. Shyam Divan, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Ms. Supriya Jain, Adv.
Mr. Gaurav Nair, Adv.
Ms. Niharika, Adv.

For M/s. K.J. John & Co.

Ms. Maanakshi Arora, Sr. Adv.
Mr. Rahul Narayan, Adv.
Mr. Mohit Singh, Adv.

Mr. Abhishek Atray, Adv.

Ms. V. Mohana, Adv.
Mr. B. Raghunath, Adv.
Mr. Vijay Kumar, Adv.

Ms. Geeta Kovilam, Adv.
Mr. P.V. Kovilam, Adv.

Mr. Ankit Goel, Adv.
Mr. Sanjay Yadav, Adv.

for Mr. Anish Kumar Gupta, Adv.

Mr. Amit Meharia, Adv.
Mr. Tannishtha Singh, Adv.

For M/s. Meharia & Company

For Respondent(s)

LONG CERTIFIED COPY FOR

1. THE REGISTRAR, RAJIV GANDHI
2. THE REGISTRAR, RAJIV GANDHI
3. THE REGISTRAR, RAJIV GANDHI
4. THE REGISTRAR, RAJIV GANDHI
5. THE REGISTRAR, RAJIV GANDHI
6. THE REGISTRAR, RAJIV GANDHI
7. THE REGISTRAR, RAJIV GANDHI
8. THE REGISTRAR, RAJIV GANDHI
9. THE REGISTRAR, RAJIV GANDHI
10. THE REGISTRAR, RAJIV GANDHI

Mr. Ranjit Kumar, SG
Mr. Maninder Singh, ASG
Mr. Ajay Sharma, Adv.
Ms. Binu Tanta, Adv.
Ms. Maanakshi Grover, Adv.
Mr. Zohab Hossain, Adv.

UPON hearing counsel the Court made the following
O R D E R

Issue notice in W.P.(C) No. 329/2013.

Application for deletion of the name of petitioner no. 1 in T.P.(C) Nos. 47 of 2013 is allowed.

T.P.(C)nos. 47-48 of 2013 and T.P.(C) No. 476 of 2013 are allowed in terms of the signed order.

All the matters require to be heard finally. List all matters for final hearing after the Constitution Bench is over.

In the meanwhile, no person should suffer for not getting the Adhaar card inspite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Adhaar Card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant.

(DZEPAK MANSUKHANI)

Court Master

(Signed order is placed on the file)

(M.S. NEGI)

Court Master

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Rajan Aggarwal

राजन अग्रवाल/RAJAN AGGARWAL
अनुमान अधिकारी/Anuman Officer
भारत निर्वाचन आयोग
Election Commission of India
अशोक रोड नई दिल्ली-110001
Ashoka Road, N. Delhi-110001

53. Promotional services Institutions and programme (Trade Related Entrepreneurship

Assistance and Development (TREAD) Scheme for Women)

54. Rajiv Gandhi national fellowship

55. Scholarship to the Children of beedi workers.

56. Scholarship to Universities/ college students.

57. Special cash awards (including Rajiv Gandhi Khel Ratna Award)

58. Special Scholarship Scheme for North Eastern Region (Ishan Uday Scheme)

59. Stipend to children in the special schools under the Child Labour project (NCLP)

60. Stipend to trainees under the scheme of welfare of SC/ST job seekers through Coaching,

Guidance and Vocational Training.

61. Swachh Bharat Gramin (earlier known as Nirmal Bharat Abhiyan)

62. Top Class Education Scheme.

63. UGC National Eligibility Test-JRF

64. Upgradation of merit of SC Students.

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Rajan Agarwal

राजन अग्रवाल/RAJAN AGARWAL
अनुभाग अधिकारी/Section Officer
भारत निर्वाचन आयोग
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अशोक रोड, नई दिल्ली-110001
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